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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ORLANDO SALAS, individually and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 WHIRLPOOL CORPORATION and
15 AIG WARRANTYGUARD, INC.

16 Defendants.

Case No.: 5:23-cv-01549-AB-KK

**ORDER GRANTING
DEFENDANTS' MOTION TO
STAY DISCOVERY PENDING
RESOLUTION OF MOTIONS TO
DISMISS**

17 The Court has considered Defendants AIG WarrantyGuard, Inc., and Whirlpool
18 Corporation's ("Defendants") Motion to Stay Discovery Pending Resolution of
19 Defendants' Motions to Dismiss (Dkt. No. 56), Plaintiff Orlando Salas's ("Plaintiff")
20 opposition thereto, and Defendants' reply. The Motion is **GRANTED**.

21 Under the applicable two-factor test, a stay of discovery pending a motion may
22 be appropriate if "(1) the pending motion is potentially dispositive of the entire case,
23 or at least dispositive on the issue at which discovery is aimed, and (2) the pending,
24 potentially dispositive motion can be decided absent additional discovery."

25 *Quezambra v. United Domestic Workers of America AFSCME Local 3930*, 2019 WL
26 8108745, at *2 (C.D. Cal. Nov. 14, 2019). Alternatively, the Court can take a
27 "preliminary peek" at the merits of the motion to determine whether it may be
28 granted. *See Bride v. Snap Inc.*, No. 2:21-cv-06680-FWS-MRW, 2022 WL 17184600,

1 at *2 (C.D. Cal. Oct. 21, 2022). Finally, the Court may also consider any other factors
2 particular to the case.

3 Here, both tests are satisfied, and other factors (for example lack of harm to
4 Plaintiff, discovery deadlines can be adjusted—which the Court expects the parties' to
5 cooperate about) counsel in favor of the relatively brief discovery stay pending
6 resolution of the Motions to Dismiss.

7 Defendants' Joint Motion to Stay Discovery is **GRANTED**. Discovery is
8 **STAYED** pending this Court's ruling on Defendants' Motions to Dismiss (Dkt. Nos.
9 58. 60). If the Court's Order on the Motions to Dismiss does not dispose of the case,
10 the discovery stay will be automatically vacated upon the Court's issuance of that
11 Order, and the parties must cooperate on any adjustments to the Scheduling Order that
12 might be appropriate as a result of the stay.

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14 **IT IS SO ORDERED.**

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16 DATED: April 01, 2024



17 HON. ANDRÉ BIROTTE JR.
18 UNITED STATES DISTRICT JUDGE
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